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October 2, 2018

*Via ECF*

The Honorable Joan N. Ericksen  
District Judge, District of Minnesota  
United States District Court  
12W U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

The Honorable David T. Schultz  
Magistrate Judge, District of Minnesota  
United States District Court  
9E U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Re: Axline v. 3M Co., et al. / Case No. 17-cv-511- JNE/DTS

Dear Judge Ericksen and Judge Schultz:

Once again Defendants approach the Court through unsolicited letter, in violation of the local rules. If Defendants wish to bring a motion to amend the scheduling order currently in place, Defendants ought follow the FRCP and Local Rules for a formal Rule 16 motion, including a meet and confer. Defendants have failed to follow the rules in all respects. Accordingly, Plaintiffs object to both the substance and the procedure of Defendants approach to the Court.

Given Defendants' characterization of what has been "learned" across three cases, Plaintiffs submit that little if anything useful has been learned by the parties in Gareis, Hives, or Axline. Axline is a mutually nominated bellwether case that could be the subject of a proper and complete trial commencing December 3rd, but rather than face a trial on the science and the true state of corporate knowledge, Defendants have argued prejudice in allowing the very amendment that the Defendants offered even prior to the close of discovery in this matter. Despite Defendants' arguments to the contrary, Plaintiffs are routinely permitted to amend complaints under Ohio law to conform to the OPLA. See, e.g., Greenway v. Kimberly-Clark Corp., 1:15-CV-1720, 2016 WL

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3460229, at \*2 (N.D. Ohio June 24, 2016); *Crisp v. Stryker Corp.*, 5:09-CV-02212, 2010 WL 2076796, at \*3–4 (N.D. Ohio May 21, 2010). Plaintiffs submit Ms. Axline should be permitted to do so here, and will respectfully submit an objection to the Order pursuant to LR 72 on or before 10/10/18.

Respectfully submitted,

A handwritten signature in blue ink, reading "Genevieve Zimmerman". The signature is written in a cursive, flowing style. The first name "Genevieve" is written with a large, ornate 'G' and the last name "Zimmerman" follows in a similar cursive script. The signature is contained within a light blue rectangular border.

Genevieve M. Zimmerman, for Plaintiffs

cc: Counsel of record